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Montana
Office of Public Instruction
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Non-Public School Student Participation in Montana Digital Academy Courses through Their Local High School

20-7-1201. Montana virtual academy -- purposes – governance, states:

(Although statute currently uses ‘virtual’, the official name is Montana Digital Academy.)

“(2) The purposes of the Montana virtual academy are to:

(a) make distance learning opportunities available to all school-age children through public school districts in the state of Montana;”

This section of this statute indicates the intent of the Legislature to make participation in Montana Digital Academy (MTDA) available to all school-age children in Montana. It also goes on to say that this must be done through the public school system.

Numerous questions continue to be asked around this topic and the following is intended to be guidance toward answering these questions.

It should be noted that this guidance has been developed from the following perspective: Once a non-public school student enrolls in any Montana public school, all statutes and rules that apply to public school students apply, as this student is now a public school student. The students no longer carry with them the status of a non-public school student.

In Montana, school-age children are required to enroll in a public or non-public school as per 20-5-102. Compulsory enrollment and excuses. Non-public schools include private schools and home schools.

Several references are made below to district policy related to specific topics. The Montana Office of Public Instruction (OPI) does not have model policies relative to this topic and further directs district leaders to any of several associations in Montana that may have examples available.

Frequently Asked Questions:

Are public schools required to enroll current non-public school students from within their district boundaries to participate in MTDA courses?

No. But, as has always been the case, districts need to follow their own policy and comply with any relevant statute or administrative rule regarding the enrollment requests made by parents of non-public school students. When parents are interested in enrolling their school-age children for any reason, the district should use a consistent procedure when considering that request.

If a district enrolls non-public school students to participate in MTDA courses, do the students have to attend the school to participate in these courses?

No. Each district will need to decide for itself how it will work best for any student participating in an MTDA course. The MTDA Executive Director has stated that the appropriate local school officials will have access to an MTDA student information system that contains data related to all of the students enrolled in that school and MTDA courses. This will allow the school to track the progress and grades of these students whether the students are onsite or not.

Can a student enroll as a part-time student to participate in MTDA courses?

Yes. It is anticipated that many current non-public school students interested in participating in MTDA courses will become part-time public school students. If districts currently do not allow for part-time students, there is no requirement that this practice change. Districts are encouraged to have policy regarding part-time student enrollment if the district does not currently have one.

Can parents of non-public school students decide which school district their student will attend?

No, if the district is interested in receiving ANB for that student. 20-9-311. Calculation of average number belonging (ANB) -- three-year averaging (11)(g) explicitly denotes that when an educational program is provided through the means being used by the MTDA, in order for a district to receive ANB for students participating in such a program those students must reside within the boundaries of that district with few exceptions (i-iii below).

“20-9-311. Calculation of average number belonging (ANB) -- three-year averaging.” (1) Average number belonging (ANB) must be computed for each budget unit as follows:

(11) A district may include only, for ANB purposes, an enrolled pupil who is otherwise eligible under this title and who is:

(g) enrolled in an educational program or course provided at district expense using electronic or offsite delivery methods, including but not limited to tutoring, distance learning programs, online programs, and technology delivered learning programs, while attending a school of the district or any other nonsectarian offsite instructional setting with the approval of the trustees of the district. The pupil shall:

- (i) meet the residency requirements for that district as provided in [1-1-215](#);
- (ii) live in the district and must be eligible for educational services under the Individuals With

Disabilities Education Act or under 29 U.S.C. 794; or

(iii) attend school in the district under a mandatory attendance agreement as provided in [20-5-321](#).”

Will districts receive ANB for non-public school students enrolling and participating in MTDA courses?

Yes, if the students meet the residency requirements as noted in 20-9-311 above, and if the students meet the criteria outlined in 10.20.102 CALCULATION OF AVERAGE NUMBER BELONGING (ANB). It is currently required that in order for a district to receive at least quarter ANB for a student, that student must meet the 180 hour threshold for enrollment. Generally in most high schools, this means two class periods of enrollment for the entire school year. A part-time student participating in MTDA courses will need to be entered into the AIM system and reported similarly to all other part-time students, and the ANB associated with that student will be calculated the same as for any part-time student.

“10.20.102 CALCULATION OF AVERAGE NUMBER BELONGING (ANB)

(7) For purposes of the enrollment count described in (4):.....

(b) a student in grades FTK through 12 enrolled in a program designed to provide:.....

(ii) 180 to 359 hours of pupil instruction time per school year is reported as one-quarter time enrolled;....”

Will non-public school students who have enrolled in their local public school be required to take the CRT?

Yes, if the students meet the minimum enrollment requirements. At present, a general rule of thumb for determining whether or not a student meets this threshold requirement is – “If a district receives ANB for a student, that student is required to take the CRT.” Specifically, there is a 180 hour enrollment requirement that governs whether or not taking the CRT is required. The technical process for making this determination is conducted by OPI staff through the review of the AIM system data and stands as the official determination process.

20-7-1201. Montana virtual academy -- purposes -- governance. (1) There is a Montana virtual academy at a unit of the Montana university system.

(2) The purposes of the Montana virtual academy are to:

(a) make distance learning opportunities available to all school-age children through public school districts in the state of Montana;

(b) offer high-quality instructors who are licensed and endorsed in Montana and courses that are in compliance with all relevant education and distance learning rules, standards, and policies; and

(c) emphasize the core subject matters required under the accreditation standards, offer advanced courses for dual credit in collaboration with the Montana university system, and offer enrichment courses.

(3) The Montana virtual academy must be governed by a board with equal representation from:

(a) the commissioner of higher education or a designee;

(b) the superintendent of public instruction or a designee;

(c) a Montana-licensed and Montana-endorsed classroom teacher appointed by the board of public education;

(d) a Montana-licensed school district administrator appointed by the board of public education;

(e) a trustee of a Montana school district appointed by the board of public education;

(f) the dean of the school of education of the hosting unit of the Montana university system or a designee as a nonvoting member; and

(g) the two officers provided for in subsection (5) as nonvoting members.

(4) The governing board shall elect a presiding officer and vice presiding officer to 2-year terms without limitation on the number of terms.

(5) The governing board shall hire a program director and a curriculum director who shall serve as chief executive officer and vice chief executive officer respectively on the governing board in a nonvoting capacity. The program director shall develop and, upon approval of the governing board, implement policies and guidelines for the Montana virtual academy pertaining to:

(a) course offerings;

(b) software and hardware selection;

(c) instructor selection;

(d) partnering school agreements;

(e) instructor training and curriculum development;

(f) course evaluation;

(g) grant opportunities; and

(h) other activities that are essential to the success of a statewide distance learning program.

20-5-102. Compulsory enrollment and excuses. (1) Except as provided in subsection (2), any parent, guardian, or other person who is responsible for the care of any child who is 7 years of age or older prior to the first day of school in any school fiscal year shall cause the child to be instructed in the program prescribed by the board of public education pursuant to [20-7-111](#) until the later of the following dates:

(a) the child's 16th birthday; or

(b) the date of completion of the work of the 8th grade.

(2) A parent, guardian, or other person shall enroll the child in the school assigned by the trustees of

the district within the first week of the school term or when the parent, guardian, or person establishes residence in the district unless the child is:

- (a) enrolled in a school of another district or state under any of the tuition provisions of this title;
- (b) provided with supervised correspondence study or supervised home study under the transportation provisions of this title;
- (c) excused from compulsory school attendance upon a determination by a district judge that attendance is not in the best interest of the child;
- (d) excused by the board of trustees upon a determination that attendance by a child who has attained the age of 16 is not in the best interest of the child and the school; or
- (e) enrolled in a nonpublic or home school that complies with the provisions of [20-5-109](#). For the purposes of this subsection (2)(e), a home school is the instruction by a parent of the parent's child, stepchild, or ward in the parent's residence and a nonpublic school includes a parochial, church, religious, or private school.